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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,963	02/23/2004	Denny Chiu	16813-US	7567
20988 7590 08/24/2007 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER KARIKARI, KWASI	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,963	<b>Applicant(s)</b> CHIU ET AL.	
	<b>Examiner</b> Kwasi Karikari	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed on 06/26/2007 with respect to claims 1,3-12 and 14-20 in the remarks, have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims 1, 10 and 20. See the rejection below of claims 1, 10 and 20 for relevant citations found in Martinez disclosing the newly added claimed limitations.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**Claims 1,3-12 and 14-20 are rejected under U.S.C. 103(a) as being unpatentable over Martinez(U.S. 20020142792 A1), (hereinafter Martinez) in view of Moton, Jr. et al., (U.S. 7,116,977), (hereinafter Moton).**

**Regarding claims 1 and 20,** Martinez discloses a method for enabling a user of a mobile device to control notification of the events, the method comprising steps of:

enabling a user to temporarily select a first user notification profile defined by a first set of notification control options selected by the user of the mobile device (see Par. [0004 and 0005]), wherein the device is capable of comparing both a time parameter and location parameter enabling the user to define any arbitrary switch condition by direct specifying a least one of the time parameter and location parameter (triggers can be sensed including time of the day and location of the phone, see Pars. [0009 and 0021-23]); and

switching automatically to a second user notification profile (detection of two specified conditions results in changing of user preference information of home environment to work environment, see Par. [0022]; and cellular phone will operate to select user performance information corresponding to the meeting, see Par. [0023]) a switch condition defined by the user (meeting time period corresponds to the switching condition, see Par. [0023]) is satisfied the second user notification profile being defined by preset notification control option (switching from audible ring tone to vibrate only, see Par. [0023]) and ( see planned activity in Par. [0022]; scheduled meeting in Par. [0023]; method of selecting an operational of user preference information in Par. [0009] and

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user assigning various sensed conditions in Par. [0028-29]; whereby these cited paragraphs indicate that the specific conditions and the user preference information are assigned/selected by a user); wherein the first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include at least two of an alarm, a calendar email, phone and SMS (see Pars. 0008-10; 0021 and 0026); but fails to specifically teaches that the location parameter with the current time and location are determined using at least one of a cellular base station or a Global Positioning System (GPS).

However, the proceeding limitations are disclose in the system of Morton wherein the server 102 uses location information from location systems 106 and 112; and identity information to activate service features subscribed by a subscriber (see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

**Regarding claim 3**, Martinez further discloses the method of claim 1 wherein said switch condition is defined in relationship with both the time and location parameters

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(condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0022]).

**Regarding claims 4**, as recited in claim 1, Martinez fails specifically to mention that said current location is determined only using Global Positioning System.

However, Morton teaches that the system includes one or both network-based location systems 106 and 112 (see col. 5, lines 4-19 and col. 4, line 58- col. 5, line 61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

**Regarding claim 5**, Martinez further discloses the method of claim 1 comprising storing the switch condition in association with one of the first and second user notification profiles to facilitate re-use of a stored switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

**Regarding claim 6**, Martinez further discloses the method of claim 5 wherein defining the switch condition comprises accessing the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

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**Regarding claims 7-9**, Martinez's teaching of switching procedure from one profile to another and the corresponding automatic user preference settings such as ring volume, vibrate and ring tone (see Par. [0021 and 0023]), meets the claimed limitations of claims 7-9.

**Regarding claim 10**, Martinez further discloses a mobile device for managing events, wherein the device is capable of comparing of time and location parameters, (see Par. [0022]), the device comprising:

a user interface for the notification of the events, (user preference such as meeting hours, traveling times corresponds to user's notification options such as phone silent, ring tone and ring volume, see Par. [0021]); of the notification being controlled by a current one of a plurality of user notification, each profile being defined by notification options, said user interface comprising:

a profile switch component to automatically switch the current profile to the next profile selected from plurality of profiles in response to a switch condition being satisfied (Fig. 1 shows an example of switching from a home to a work and to a meeting profiles);

a profile enablement component to enable a user to select one of said profile to be temporarily activated as the current profile and to enable the user to define the condition that causes the current profile to switch to the next profile by directly specifying the switching condition in terms of at least one of the time and a location parameter (see Pars. [0009 and 0021-29] and Fig. 5A) and (see planned activity in

Par. [0022]; scheduled meeting in Par. [0023]; method of selecting an operational of user preference information in Par. [0009] and user assigning various sensed conditions in Par. [0029]; whereby these cited paragraphs indicate that the specific conditions and the user preference information are assigned/selected by a user); wherein the first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include at least two of an alarm, a calendar email, phone and SMS (see Pars. 0008-10; 0021 and 0026); but fails to specifically teaches current time and location are determined using at least one of a cellular base station or a Global Positioning System (GPS).

However, the proceeding limitations are disclose in the system of Morton wherein the server 102 uses location information from location systems 106 and 112; and identity information to activate service features subscribed by a subscriber (see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

**Regarding claim 11**, Martinez further discloses the device of claim 10 wherein the profile enablement component enables the user to define switch conditions for more



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than one of said profiles (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Par. [0009]).

**Regarding claim 12**, Martinez further discloses the device of claim 11 wherein the profile enablement component defines switch conditions in response to both the time parameter and the device location parameter (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0021]).

**Regarding claim 14**, Martinez further discloses the device of claim 10 comprising a switch condition monitoring component to monitor the satisfaction of the switch condition to determine the automatic switching (user's preference is selected based on detection of movement into the public network, see Par. [0023]).

**Regarding claim 15**, Martinez further discloses the device of claim 11, wherein the user interface is adapted to store the switch condition in association with one of the profiles to facilitate re-use of the switch condition (user's preference information such as ring tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

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Regarding **claim 16**, Martinez further discloses the device of claim 15 wherein the profile enablement component is adapted to access the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claim 17**, Martinez further discloses the device of claim 10, wherein the profile enablement component comprises a further switch condition that, if satisfied, automatically switches from next profile to a new next profile (moving from one of the user's preference to the next upon detection of a specific condition, see Fig. 1).

Regarding **claim 18**, Martinez further discloses the device of claim 17 wherein the next profile is defined in accordance with a last profile enabled immediately prior to the current profile such that said profile switch component switches back to the last profile (cellular phone operates according to user's setting such as meeting, and at a specific time period, until switching to another setting at the end of the meeting, see Par. [0023]).

Regarding **claim 19**, as recited in claim 10, Martinez further discloses the device, wherein the profile component can be programmed to temporarily activate one of the plurality of user notification profiles for a user-determined period of time (see Pars. [0009 and 0021-26] and Fig. 5A).

***Conclusion***

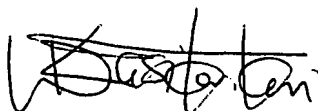
**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rafael Pérez-Gutiérrez* can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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08/08/2007



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